



**HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION**

Number: 05-27

6 May 2005

Use of Emergency Temporary Non-Dual Status Technicians to Backfill Deployed Dual Status Technicians or for Support of the Global War on Terrorism (GWOT)

1. In light of ongoing contingency operations and declaration of a National State of Emergency, the Directorate for Human Resources may non-competitively appoint temporary Non-Dual Status (NDS) technicians to either backfill a deployed Dual Status (DS) technician or for support of the Global War on Terrorism (GWOT).

a. NDS Backfill of Deployed DS Technician is subject to the following conditions:

(1). The DS technician must be deployed, not-in-place, in support of current emergency or contingency operations.

(2). All NDS technicians hired to backfill a DS position must be hired temporarily under Emergency Hiring Flexibilities covered below in paragraph 2.

(3). A copy of the deployment/mobilization order for the DS Technician must be included in the technician hiring package.

(4). An assessment must be made of whether there are DS technicians who can perform the work (i.e. temporary promotion/detail) prior to filling the position with a temporary NDS.

b. Appointment of a temporary NDS technician in direct support of the GWOT is subject to the following conditions:

(1). A memorandum addressed to the Directorate for Human Resources describing the direct support provided for the GWOT including the certification that the position is necessary for mission accomplishment.

(2). All NDS technicians hired in direct support of the GWOT must be hired temporarily under Emergency Hiring Flexibilities covered below in paragraph 2.

(3). An assessment must be made of the availability of DS technicians who can perform the work (i.e. temporary promotion) prior to filling the position with a temporary NDS.

2. Emergency Temporary NDS Appointment Authorities:

a. Temporary Emergency Need (until the President or Congress terminates the state of national emergency) – Under 5 CFR 213.3102(i)(3), the Directorate for Human Resources may fill on a temporary basis for up to one year, or extendable for an additional period not exceeding one more year, positions affected by or needed to deal with the aftermath of the attacks.

b. 30-Day Critical Need – Under 5 CFR 213.3102(i)(2), the Directorate for Human Resources may make 30-day appointments. Appointments under this authority can be extended for one additional 30 day time period.

CARSD-J1-HR

SUBJECT: Use of Temporary Non-Dual Status Technicians to Backfill Deployed Dual Status Technicians or for Support of the Global War on Terrorism (GWOT)

3. NGB-J1-TNC has delegated authority to the State Classifier to make pen-and-ink changes to DS position descriptions for use by temporary NDS technician's backfilling a deployed DS technician or supporting the GWOT. NDS positions established for this purpose are limited to the incumbent of the position for the specified time period of the appointment.
4. Appointments under emergency hiring flexibilities are exceptions to traditional competitive appointments. Therefore qualifications are determined by the Directorate for Human Resources. Technicians hired under this guidance are afforded the same rights, opportunities and privileges as other National Guard Technicians with similar status. Additionally, appointments under these authorities are exempted from mandatory placement provisions of the Defense Priority Placement Program.
5. Temporary appointments under these authorities are subject to availability of funding and may be terminated at any time. Normally temporary technician appointments are limited to the end of the current fiscal year (30 September) and may be extended based on the determination of the availability of funding. At no time may an Emergency Temporary NDS Appointment exceed the time limitations in paragraph 2.
6. Reemployed Annuitants – This applies to former Federal Employees who have retired and are currently receiving a Federal Civil Service retirement annuity. Section 9902(j) of Title 5 USC gives the agency authority to hire and set salary of newly appointed annuitants, i.e., individuals receiving an annuity from the Civil Service Retirement and Disability Fund, at the appropriate pay rate for the position without a reduction in pay of the annuity. As a result, the salary of the annuitant is not offset by the amount of the annuity received for the period of employment. Requests to utilize this authority for NDS employees must be in writing to the Directorate for Human Resources with the appointment package. When this authority is used in conjunction with emergency temporary NDS flexibilities, it applies to the length of the appointment (and any authorized extensions). Additional conditions are:
 - a. Reemployed annuitants receiving a disability retirement are affected by the 80% earnings threshold. Basically, the total income for a disabled technician may not be greater than 80% of what the position they were last employed is currently being paid. If it does exceed the 80% threshold, then OPM no longer considers the individual disabled and they lose their disability retirement. It is the policy of the California National Guard (CNG) not to appoint a reemployed annuitant receiving disability retirement to a grade and step which will meet or exceed the 80% threshold.
 - b. Generally, an annuitant may not be employed in the same position held prior to retirement unless the next level manager or supervisor (in most situations the appropriate Chief of Staff) has given approval.
7. This program is intended to meet immediate mission critical requirements. There is no entitlement for past CNG members, retired Active Guard Reserve (AGR) members, or technicians to be offered temporary employment under these programs. Good judgment must be exercised when choosing to fulfill mission requirements with emergency NDS temporary technicians.
8. An Emergency NDS Temporary Technician checklist and questionnaire is attached to assist in the preparation of appointment packages and required memorandums/documents. It is required for all Emergency NDS Temporary Technician appointments received in the HRO after publication of this TAAI. It must be forwarded thru the appropriate Director to the HRO.

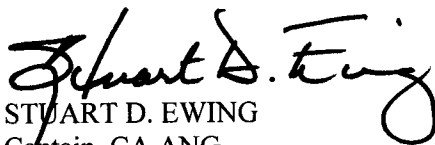
CARSD-J1-HR

SUBJECT: Use of Temporary Non-Dual Status Technicians to Backfill Deployed Dual Status Technicians or for Support of the Global War on Terrorism (GWOT)

9. Emergency NDS Temporary Technicians will be separated from employment immediately upon return of the incumbent DS technician; at the expiration of their appointments (unless otherwise extended); or when their services are no longer required. At no time may an Emergency NDS Temporary Technician be employed beyond the time year limit allowed under these authorities.

10. Under no circumstances will a Commander, Director, or supervisor/manager advise a new employee to begin working in a technician position without prior confirmation from the Directorate for Human Resources.

11. For additional information, contact CMSgt Michael Hunt at DSN 466-3354, or (916) 854-3354; or TSgt Kenneth Cosgrove at DSN 466-3598, or (916) 854-3598.


STUART D. EWING
Captain, CA ANG
Deputy Director for Human Resources

DISTRIBUTION:

Air: TA

Army: TA

Encl

As

EMERGENCY NDS TEMPORARY TECHNICIAN APPOINTMENT DOCUMENTS CHECKLIST

	Emergency NDS Temporary	Required Documents
1		CNG 690-2, Nomination for Technician Employment
2 OR 3		Copy of DS Technician Deployment/Mobilization Order OR Memorandum describing direct GWOT support and certification that the position is required for mission requirement.
4		Employment Application (OF-612, Resume, Transcripts, etc...)
5		SF-61, Appointment Affidavits
6		Optional Form 306, Declaration of Federal Employment
7		Form I-9, Employment Eligibility Verification
8		SF-181, Race/National Origin Identification
9		SF-256, Identification of Handicap
10		SF-144, Statement of Prior Federal Service
11		OPM-1635, Welfare to Work
12		Temporary Employment Statement
13		DD-214's for each period of Military Service
14		*SF-1199A Direct Deposit Form
15		*W-4 Employee's Withholding Allowance Certificate
16		*DE-4 California Employee's Withholding Allowance Certificate
*Forms to send to Payroll Office		

QUESTIONNAIRE

	Circle one	Question
1	Yes / No	Is this position necessary for mission accomplishment? (describe below)
2	Yes / No	Can a DS employee perform this job (i.e. temp promotion)? If, yes it is inappropriate to use these authorities.
3	Yes / No	Have you considered announcing this vacancy? If not, why? (describe below)
4	Yes / No	Is this individual receiving retirement from the Federal Civil Service? If yes, attach justification memorandum per paragraph 5.
5	Yes / No	Is this individual receiving a disability retirement from the Federal Civil Service? If yes, attach justification memorandum per paragraph 5.
6	Yes / No	Is this individual receiving an Active Guard Reserve (AGR) military retirement?
Description(s) per questions above:		
Supervisory Certification		Signature & Date
Director Certification		Signature & Date